

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TERRY HAMPTON	§	
Plaintiff	§	
	§	Civil Action No. 2:13-cv-00220
Vs.	§	JURY
	§	
C.V.L. TEXAS, LLC and	§	
C.V.L Texas LLC – CVS #7709	§	
Defendants	§	

**ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TERRY HAMPTON, Plaintiff herein, complaining of C.V.L. TEXAS, LLC and C.V.L. TEXAS LLC – CVS #7709 Defendants herein, and would respectfully show unto the Court as follows:

**PARTIES, JURISDICTION AND VENUE**

**PARTIES**

1. Plaintiff, TERRY HAMPTON, is an individual residing in Tyler, Smith County, Texas.
2. Defendants are C.V.L. Texas LLC and CVL Texas LLC – CVS #7709. CVL Texas LLC is a foreign corporation being incorporated in the state of Delaware. CVL Texas LLC – CVS #7709 is presumed to be a fictitious name but is named as a Defendant herein. This entity is also a Delaware entity. Service may be affected upon

both Defendants by serving Barry D. Irwin, P.C., 500 South Denton Tap Road, Ste 108, Coppell, Texas 75019.

### **JURISDICTION**

3. Jurisdiction is based upon complete diversity of citizenship as the Plaintiff is a Texas resident and the Defendants are a Delaware Corporation 28 U.S.C. § 1332(a)(1) &(c)(1) authorized to do business in the state of Texas.

Plaintiff would show that his damages are in excess of the minimum limits required of diversity jurisdiction.

### **VENUE**

4. This cause of action occurred within the Eastern District of Texas. Plaintiff asserts that Marshall, Texas is the appropriate place for venue in this case. The incident that is the subject of this suit occurred in Smith County, Texas, and this suit is within the jurisdictional limits of this Court. Plaintiff resides within the Eastern District of Texas. Defendants do business throughout the Eastern District of Texas.

### **FACTUAL BACKGROUND**

5. On or about, March 29, 2011, Plaintiff was attempting to enter the CVS store, No. 7709, on Gentry Parkway in Tyler, Texas. The main entrance to the store was partially blocked by a partially closed metal door at the front entrance. The door was partially closed during normal operating hours and constituted an unreasonably

dangerous condition. Predictably, harm resulted from this when Terry Hampton struck his head on said metal door causing a head, neck, and back injury.

### **CAUSE OF ACTION**

6. C.V.L. Texas LLC and CVL Texas LLC – CVS #7709. had a duty to exercise ordinary care with respect to the repair, maintenance and safety of the location, and specifically to not allow an unreasonably dangerous condition to exist. C.V.L. Texas LLC and CVL Texas LLC – CVS #7709. breached these duties on March 29, 2011, at the premises where the incident that is the subject of this suit occurred when the metal entrance door was partially closed during normal business hours.

### **DAMAGES**

7. C.V.L. Texas LLC and CVL Texas LLC – CVS #7709's breach of duty proximately caused Plaintiff's injuries which resulted in the following damages:

- a. past pain and suffering;
- b. future pain and suffering;
- c. past mental anguish;
- d. future mental anguish;
- e. physical impairment; and,
- f. past and future medical expenses.

### **PRE- AND POST-JUDGMENT INTEREST**

8. Plaintiff sues for pre-judgment and post-judgment interest at the maximum rates allowed by law. Plaintiff seeks reasonable and necessary attorney's fees and expenses

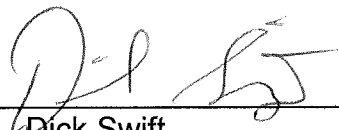
at the trial court level and all appellate levels, plus costs of court from all Defendants and all other relief which Plaintiff may show himself justly entitled.

**JURY TRIAL**

9. Plaintiff hereby requests a jury trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon trial of this cause, he have judgment against Defendants, either individually or jointly and severally, for all actual damages to which Plaintiff is entitled and both pre-judgment interest and post-judgment interest at the maximum rate allowed by law, for costs of court and for all other relief to which he may show himself justly entitled.

Respectfully submitted,

By:   
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